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THE HARLESTON LAW FIRM, LLC

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FAX COVER SHEET

DATE: August 23, 2007

TO: Examiner Jessica L. Laux, Group Art Unit 3635

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FROM: Kathleen M. Harleston

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THIS IS PAGE ONE OF 11.

COMMENT:

Re: Patent Application No. 10/826,753

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PTO/SB/21 (04-07)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/828,753	
	Filing Date	June 12, 2004	
	First Named Inventor	Robert E. Oldtman	
	Art Unit	3635	
	Examiner Name	Jessica L. Laux	
Total Number of Pages in This Submission	10	Attorney Docket Number	3115

ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Harleston Law Firm, LLC		
Signature	<i>Kathleen M. Harleston</i>		
Printed name	Kathleen M. Harleston		
Date	August 23, 2007	Reg. No.	33,398

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Typed or printed name	Kathleen M. Harleston	Date	August 23, 2007

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Attorney Docket No. 3115

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)	Examiner: Jessica L. Laux
ROBERT E. OIDTMAN)	Art Unit: 3635
Application No. 10/826,753)	
Filed April 16, 2004)	
For BRACKET AND POLE ASSEMBLY)	

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement interposed by the Examiner on July 23, 2007, Applicant elects with traverse to prosecute the claimed invention of Group I: Claims 28, 35, and 36. Applicant also requests reconsideration of the requirement that a species be elected for Group I ("combination"). However, if a species election is required, Applicant elects "Species II": heavy duty shaft wall is cylindrical. It is believed that the remaining claims/ "species" are held in abeyance until final disposition of the elected claims/ species. Claims 42-46 are new (see enclosed Preliminary Amendment); all of these new claims are believed to fall within Group I ("combination"). Of those, new Claims 43-45 are believed to be readable upon the elected "species".

The election is made with traverse, which reserves a right to petition. Applicants traverse this restriction/election requirement on the grounds that examination of the groups/species cited would not impose a serious burden on the Examiner. According to

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MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the groups/species listed on pages 2 and 3 of the Office action would not be appreciably more than the search required for only one of the groups/species. According to MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if the claims are considered to describe independent or distinct inventions. Applicant requests allowance of the claims.

Respectfully submitted,

The Harleston Law Firm, LLC

By: Kathleen M. HarlestonKathleen M. Harleston
Attorney for Applicant
Registration No. 33,398

Date: August 23, 2007

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I hereby certify that this correspondence is being facsimile transmitted to the US Patent & Trademark Office, Fax No. 571-273-8300, on August 23, 2007.

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